

Attorney Docket No. AUS920030365US1
Serial No. 10/626,194
Response to Office Action mailed January 19, 2007

II. REMARKS

1. Rejection under 35 U.S.C. § 102(e). The examiner rejected claims 1-27 as being anticipated by Matsliach et al. (US 6,879,994). Applicant has amended each independent claim to include the limitation "wherinc the statistical usage data is adapted to allow the end user to determine a best time to contact the target user for the messaging session by providing a plurality of data regarding the target user's times for signing in and signing out, the target user's average time signed on each day, and the target user's messages sent and received." Applicant has specified the particular data provided to the end user. Matsliach on the other hand does not specify type of data that can be provided within a messaging system. Rather Matsliach provides information on the "number and types of users accessing a page over various time periods" (11:45-48). In regard to chat messaging, Matsliach is concerned with a target user obtaining information regarding another user so that the target user can determine if he wants to participate in the chat (9:5-11, 23-29). In other words, Matsliach is concerned with finding "suitable" chat partners (16:44-47), and not with providing information specifically to allow a user to determine when best to contact another user.

Support for applicant's amendments can be found in the specification, page 4, lines 4-7 and page 8, lines 14-22, and page 9, line 23-page 10, lines 2, and FIG. 7, FIG. 8 and FIG. 9.

2. Applicant submits that the claims are now in condition for allowance.

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